

EXHIBIT A

Glossary | 2017

EXEMPTIONS FROM RCW 42.56:**RCW 42.56.050 INVASION OF PRIVACY**

A person's "right to privacy," "right of privacy," "privacy," or "personal privacy," as these terms are used in this chapter, is invaded or violated if disclosure of information about the person: (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public.

RCW 42.56.070(1) OTHER STATUTE

Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of RCW 42.56.070(9), this chapter, or other statute which exempts or prohibits disclosure of specific information or records.

RCW 42.56.070(9) COMMERCIAL USE OF LISTS

This chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law.

RCW 42.56.230(1) PERSONAL INFORMATION (STUDENTS, PATIENTS, CLIENTS)

The following personal information is exempt from public inspection and copying under this chapter: (1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

RCW 42.56.230(2) PERSONAL INFORMATION (CHILD, STUDENTS)

The following personal information is exempt from public inspection and copying under this chapter: (2)(a) Personal information: (ii) For a child enrolled in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs; or (iii) For the family members or guardians of a child who is subject to the exemption under this subsection (2) if the family member or guardian has the same last name of [as] the child or if the family member or guardian resides at the

same address as the child and disclosure of the family member's or guardian's information would result in disclosure of the personal information exempted under (a)(i) and (ii) of this subsection.

RCW 42.56.230(3) EMPLOYEE PRIVACY

The following personal information is exempt from public inspection and copying under this chapter: (3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

RCW 42.56.230(3); RCW 42.56.250(2)* EVALUATIONS

Under the Public Disclosure Laws of Washington State, the evaluations responsive to this request are exempt from third party review in accordance with RCW 42.56.050 and RCW 42.56.230(3) as well as per the guidelines set by the court in *Dawson v Daly*, 120 Wn.2d 782 (1993).

RCW 42.56.230(3); RCW 42.56.250(2) FACULTY REVIEW**

The Public Records Office finds documents concerning tenure review, including letters of recommendation, exempt from inspection and copying in accordance with RCW 42.56.050; RCW 42.56.230(3); RCW 42.56.250(2); and *Dawson v Daly*, 120 Wn.2d 782 (1993). In citing privacy exemptions the University notes the understanding of confidentiality under which these letters of recommendation were solicited from respondents.

RCW 42.56.230(3); RCW 42.56.240(1) UNSUBSTANTIATED ALLEGATIONS

The identity of an individual who is the subject of unsubstantiated allegations of sexual misconduct is exempt from disclosure, as disclosure of their name would violate the individual's right to privacy in their personal information. RCW 42.56.050; RCW 42.56.230(3); RCW 42.56.240(1); *Bellevue John Does 1-11 v. Bellevue School District*, 164 Wn.2d 199 (2008); *Bainbridge Island Police Guild v. City of Puyallup*, 172 Wn.2d 398 (2011).

Glossary | 2017

RCW 42.56.230(4) TAXPAYER INFORMATION

The following personal information is exempt from public inspection and copying under this chapter: (4) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (a) Be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance authorized under RCW 35.102.145; or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

RCW 42.56.230(5) CREDIT CARD AND BANKING INFORMATION

The following personal information is exempt from public inspection and copying under this chapter: (5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information as defined in RCW 9.35.005 including social security numbers, except when disclosure is expressly required by or governed by other law.

RCW 42.56.240(1) OPEN POLICE INVESTIGATION

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter: (1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. Pursuant to *Newman v. King County*, 133 Wn.2d 565 (1997), police investigative records are not subject to public disclosure while an investigation is open.

RCW 42.56.240(2) VICTIM AND/OR WITNESS INFORMATION

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter: (2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a

complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern.

RCW 42.56.250(1) TEST QUESTIONS

Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination are exempt from public inspection and copying.

RCW 42.56.250(2) EMPLOYMENT APPLICATIONS

The following employment and licensing information is exempt from public inspection and copying under this chapter: (2) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

RCW 42.56.250(3) EMPLOYEE INFORMATION

The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency is exempt from public inspection and copying: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, driver's license numbers, identicard numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency.

RCW 42.56.250(5) EMPLOYMENT UNFAIR PRACTICES OR DISCRIMINATION INVESTIGATIONS

The following employment and licensing information is exempt from public inspection and copying under this chapter: (5) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

Glossary | 2017

RCW 42.56.260 REAL ESTATE APPRAISALS

Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, are exempt from disclosure under this chapter. In no event may disclosure be denied for more than three years after the appraisal.

RCW 42.56.270(1) VALUABLE UW INTELLECTUAL PROPERTY

Under RCW 42.56.270(1) and *Progressive Animal Welfare Soc’y v. Univ. of Wash.*, 125 Wn.2d 243, 255 (1994), valuable intellectual property of the University of Washington—including research data, hypotheses, and theories—is exempt from disclosure. Upon review, the Public Records Office has found certain items exempt from inspection and copying and has made the appropriate redactions per the foregoing laws.

RCW 42.56.270(20) FINANCIAL, COMMERCIAL, AND PROPRIETARY INFORMATION

The following is exempt from public inspection and copying under this chapter: (20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the University is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information.

RCW 42.56.280 PRELIMINARY DRAFTS

Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action.

RCW 42.56.290 AGENCY PARTY TO CONTROVERSY

Records that are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts are exempt from disclosure under this chapter.

RCW 42.56.360(1)(c) QUALITY IMPROVEMENT

(1) The following health care information is exempt from disclosure under this chapter: (c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections under RCW 43.70.056, a notification of an incident under RCW 70.56.040(5), and reports regarding adverse events under RCW 70.56.020(2)(b), regardless of which agency is in possession of the information and documents.

RCW 42.56.420(1) PUBLIC SAFETY

The following information relating to security is exempt from disclosure under this chapter: (1) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety.

RCW 42.56.420(4) COMPUTER SECURITY

Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities, and other such information the release of which may increase risk to the confidentiality, integrity, or availability of agency security, information technology infrastructure, or assets.

RCW 42.56.540 COURT PROTECTION OF PUBLIC RECORDS

The University has been enjoined from releasing these records or portions of records, pursuant to an injunction under RCW 42.56.540, which provides the examination of any specific public record may be enjoined if, upon motion and affidavit by an agency or its representative or a person who is named in the record or to whom the record specifically pertains, the superior court for the county in which the movant resides or in which the record is maintained, finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions.

RCW 42.56.600 – Mediation Communications

Records of mediation communications that are privileged under chapter 7.07 RCW are exempt from disclosure under this chapter.

Glossary | 2017

“OTHER STATUTE” EXEMPTIONS:**RCW 4.92.210(2) RISK MANAGEMENT CLAIM FILE**

A centralized tracking system shall be maintained to provide agencies with accurate and timely data on the status of a liability claim. Information in this claim file, other than the claim itself, shall be privileged and confidential.

RCW 5.60.060(2)(a) ATTORNEY/CLIENT PRIVILEGE

The University finds some documents or portions of documents exempt pursuant to the attorney-client privilege, RCW 5.60.060(2)(a) and the Supreme Court decision in *Hangartner v. Seattle*, 151 Wn.2d 439 (2004).

RCW 5.60.070(1) MEDIATION RECORDS

If there is a court order to mediate, a written agreement between the parties to mediate, or if mediation is mandated under RCW 7.70.100, then any communication proceeding, whether made or submitted to or by the mediator, a mediation organization, a party, or any person present, are privileged and confidential and are not subject to disclosure.

RCW 19.108 PATENT, COPYRIGHT, TRADE SECRET, OR PROPRIETARY INFORMATION

Under RCW 42.56.070, Chapter 19.108 RCW (the Uniform Trade Secrets Act), federal law, and *Progressive Animal Welfare Soc’y v. Univ. of Wash.*, 125 Wn.2d 243, 255 (1994), patent, copyright, trade secret, and other proprietary information is exempt from copying and inspection. In accordance with the foregoing laws, the Public Records Office has redacted patent, copyright, or proprietary information.

RCW 39.26.030(2) STATE PURCHASING LAW

RCW 39.26.030(2) provides: "Bid submissions and bid evaluations are exempt from disclosure until the agency announces the apparent successful bidder." The University has not announced the apparent successful bidder[s] and, therefore, the bid submissions and bid evaluations responsive to your request are exempt from disclosure and public inspection.

RCW 42.48.020 HUMAN SUBJECTS RESEARCH INFORMATION

It is illegal for a state agency to release information regarding research subjects, except under court order or search warrant. The unauthorized release of records identifying research subjects, which is considered a gross misdemeanor, could result in a fine of up to \$10,000.

RCW 68.50.105(1) AUTOPSY REPORTS

Reports and records of autopsies or post mortems shall be confidential, except that the following persons may examine and obtain copies of any such report or record: The personal representative of the decedent as defined in RCW 11.02.005, any family member, the attending physician, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, or to the department of labor and industries in cases which it has an interest under RCW 68.50.103.

RCW 70.02.020(1) MEDICAL RECORDS

Except as authorized in RCW 70.02.050, a health care provider, an individual who assists a healthcare provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient to any other person without the patient's written authorization.

RCW 70.48.100(2) BOOKING PHOTOS

The Washington Supreme Court has held explicitly that booking photos are confidential except for law enforcement purposes. *RCW 70.48.100(2)* and *Cowles Publishing Co. v. Spokane Police Department*, 987 P.2d.472 (1999).

RCW 70.225.040 CONFIDENTIAL PRESCRIPTION INFORMATION

This information is prescription information deemed confidential under RCW 70.225.040. The prescriber identifier/registration number among its confidential information pursuant to Prescription Monitoring Program regulations of the Washington Department of Health.

Glossary | 2017

FERPA - STUDENT PRIVACY

The University finds the student records responsive to your request exempt from inspection and copying. In so doing, the University cites the Federal Family Educational Rights and Privacy Act (FERPA). In prohibiting schools and institutions of higher education from releasing educational records without the consent of the student, the federal statute defines educational records as follows: "those records, files, documents, and other material which - (i) contain information directly relating to a student, (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution." 20 U.S.C. 1232g(a)(4)(A); 34 CFR Part 99.

FMLA - FAMILY MEDICAL LEAVE ACT

The University finds the protected medical information responsive to your request exempt from inspection and copying. In doing so, the University cites the Family Medical Leave Act (FMLA). Records or documents relating to medical certifications or medical histories of employees or employees' family members created for the purposes of the FMLA shall be maintained as confidential medical records.

GINA - GENETIC INFORMATION NON-DISCRIMINATION ACT

The University finds the protected medical information responsive to your request exempt from inspection and copying. In doing so, the University cites the Genetic Information Non-Discrimination Act of 2008 (GINA). Section 206 of GINA prohibits an employer from disclosing the genetic information of its employees or its employees' family members. Genetic information is defined in section 201 to include information about the manifestation of a disease or disorder of a family member. 42 U.S.C. section 2000ff-10

HIPAA - HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT

The University finds the protected health information responsive to your request exempt from inspection and copying. In so doing, the University cites the Health Insurance Portability & Accountability Act of 1996. Authorization is required for the use or disclosure of Protected Health Information. 45 CFR Part 160 & 164

RCW 13.50.050 – Juvenile Offenses

All records relating to the commission of juvenile offenses, except those in the official court file, are confidential. Information not in the court file that concerns a juvenile or a juvenile's family may be released only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

RCW 70.02.230 – Mental Health

RCW 70.02.230 protects certain information about mental health services as confidential. The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing voluntary or involuntary mental health services must be confidential.

Explanatory Language

Northwest Hospital

Your public records request seeks _____ from Northwest Hospital & Medical Center, a private employer affiliated with UW Medicine. It may well be that the records you are asking about are maintained by Northwest Hospital; however, the University did not create them, use them or maintain them and thus would not be obligated to obtain those records from Northwest Hospital in response to a public records request.

Seattle Cancer Care Alliance (SCCA)

Your public records request seeks _____ from Seattle Cancer Care Alliance (SCCA), a separate medical and legal entity affiliated with UW Medicine. It may well be that the records you are asking about are maintained by Seattle Cancer Care Alliance (SCCA); however, the University did not create them, use them or maintain them and thus would not be obligated to obtain those records from Seattle Cancer Care Alliance (SCCA) in response to a public records request.

Valley Medical Center

The University is unable to identify any records responsive to your public records request, in which you requested _____. Valley Medical Center is a separate hospital district with their own public records officer. Please contact Valley medical Center directly for your public records request.